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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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7 WILLIAM SOTO, G49875,)
8 Petitioner,) No. C 17-2224 CRB (PR)
9 vs.) ORDER OF DISMISSAL
10 CHRISTIAN PFEIFFER, Warden,) (ECF No. 3)
11 Respondent.)
_____)

12 Petitioner, a state prisoner incarcerated at Kern Valley State Prison, has
13 filed a second or successive petition for a writ of habeas corpus under 28 U.S.C.
14 § 2254 challenging a 2009 conviction from Sonoma County Superior Court. His
15 first petition was dismissed on the merits on November 8, 2011. See Soto v.
16 McDonald, No. C 11-3050 CRB (PR) (N.D. Cal. Nov. 8, 2011) (order).

17 A second or successive petition may not be filed in this court unless
18 petitioner first obtains from the United States Court of Appeals for the Ninth
19 Circuit an order authorizing this court to consider the petition. See 28 U.S.C. §
20 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit.
21 The petition accordingly is DISMISSED without prejudice to refiling if petitioner
22 obtains the necessary order, but based solely on his affidavit of poverty,
23 petitioner's request to proceed in forma pauperis (ECF No. 3) is GRANTED.

24 The clerk shall terminate all pending motions as moot and close the file.
25 SO ORDERED.

26 DATED: April 26, 2017

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28 CHARLES R. BREYER
United States District Judge